

Declaration for Patent Application

Docket Number: 1735.0810001/RWE

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

Substituted 1-Benzoyl-3-cyano-pyrrolo[1,4-a]quinolines and Analogs as Activators of Caspases and Inducers of Apoptosis, the specification of which is attached hereto unless the following box is checked:

- ☐ was filed on _____;
as United States Application Number or PCT International Application Number _____; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority Claimed
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Country)	(Day/Month/Year Filed)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Country)	(Day/Month/Year Filed)	

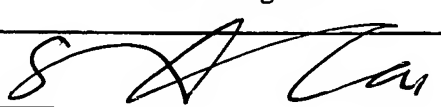
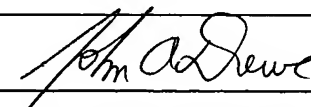

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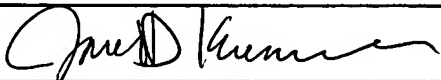

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934

Direct Telephone Calls to:


(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Sui Xiong Cai	
Signature of sole or first inventor		12/8/03 Date
Residence	San Diego, California	
Citizenship	United States of America	
Mailing Address	3623 Berryfield Court	
	San Diego, California 92130	
Full name of second inventor	John A. Drewe	
Signature of second inventor		12/8/03 Date
Residence	Carlsbad, California	
Citizenship	United States of America	
Mailing Address	7069 Murillo Lane	
	Carlsbad, California 92009	
Full name of third inventor	Sungchun Jiang	
Signature of third inventor		12/9/03 Date
Residence	San Diego, California	
Citizenship	United States of America	
Mailing Address	10512 Rancho Carmel Drive	
	San Diego, California 92128	

Full name of fourth inventor	Shailaja Kasibhatla	
Signature of fourth inventor		12/3/03 Date
Residence	San Diego, California	
Citizenship	United States of America	
Mailing Address	13073 Dressage Lane	
	San Diego, California 92130	
Full name of fifth inventor	Jared Daniel Kuemmerle	
Signature of fifth inventor		12/3/2003 Date
Residence	Del Mar, California	
Citizenship	United States of America	
Mailing Address	13924 Recuerdo Drive	
	Del Mar, California 92014	
Full name of sixth inventor	Nilantha Sudath Sirisoma	
Signature of sixth inventor		12/09/2003 Date
Residence	San Diego, California	
Citizenship	Sri Lanka	
Mailing Address	6156 Tamilynn Street	
	San Diego, California 92122	

Appl. No. (to be assigned)
Docket No. 1735.0810001/RWE

Full name of fourth inventor	Han-Zhong Zhang	
Signature of fourth inventor		12/8/03 Date
Residence	San Diego, California	
Citizenship	United States of America	
Mailing Address	12683 Ragweed Street	
	San Diego, California 92129	
Full name of fifth inventor		
Signature of fifth inventor		Date
Residence		
Citizenship		
Mailing Address		
Full name of sixth inventor		
Signature of sixth inventor		Date
Residence		
Citizenship		
Mailing Address		

POWER OF ATTORNEY FROM ASSIGNEE

Cytovia, Inc., a corporation of Delaware, having a principal place of business at 6650 Nancy Ridge Drive, San Diego, California 92121, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on 12/8/03, 12/8/03, 12/9/03, 12/3/03, 12/3/03, 12/9/03 and 12/8/03, respectively.

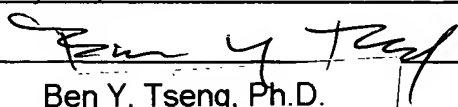
of an invention known as Substituted 1-Benzoyl-3-cyano-pyrrolo[1,2-a]quinolines and Analogs as Activators of Caspases and Inducers of Apoptosis (Attorney Docket No. 1735.0810001/RWE), which is disclosed and claimed in a patent application of the same title by the inventor(s) Sui Xiong Cai, John A. Drewe, Sungchun Jiang, Shailaja Kasibhatla, Jared Daniel Kuemmerle, Nilantha Sudath Sirisoma and Han-Zhong Zhang (said application filed on (herewith) at the U.S. Patent and Trademark Office, having Application Number (to be assigned)).

The Assignee hereby appoint the U.S. attorneys associated with **CUSTOMER NUMBER 28393** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith, such attorneys currently being: Robert Greene Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; John M. Covert, Esq., Reg. No. 38,759; Linda E. Alcorn, Esq., Reg. No. 39,588; Lawrence B. Bugaisky, Esq., Reg. No. 35,086; Donald J. Featherstone, Esq., Reg. No. 33,876; Robert C. Millionig, Esq., Reg. No. 34,395; Michael V. Messinger, Esq., Reg. No. 37,575; Judith U. Kim, Esq., Reg. No. 40,679; Timothy J. Shea, Jr., Esq., Reg. No. 41,306; and Patrick E. Garrett, Esq., Reg. No. 39,987. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
U.S.A.

Direct phone calls to 202-371-2600.

FOR: Cytovia, Inc.
SIGNATURE: 
BY: Ben Y. Tseng, Ph.D.
TITLE: Vice President, Biology
DATE: 12/8/03

RWE
Reg No.
32,893

STATEMENT UNDER 37 C.F.R. 3.73(b)

Applicant/Patent Owner: Sui Xiong Cai, John A. Drewe, Sungchun Jiang, Shailaja Kasibhatla
Jared Daniel Kuemmerle, Nilantha Sudath Sirisoma and Han-Zhong Zhang

Application No./Patent No.: _____ (To be assigned) Filed/Issue Date: _____ (Herewith)

Entitled: Substituted 1-Benzoyl-3-cyano-pyrrolo[1,4-a]quinolines and Analogs as Activators
of Caspases and Inducers of Apoptosis

(Name of Assignee) a _____
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____% in the patent application patent identified above by virtue of either:
- A. ☒ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

12/8/03
Date

1-858-202-4004
Telephone Number

BEN Y. TSENG
Typed or Printed Name

Ben Y Tseng
Signature

V.P. Biology
Title

This collection of information is required by 37 CFR 1.3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

DO NOT FORWARD
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NOT FOR RECORDATION

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventor(s): Sui Xiong Cai, John A. Drewe, Sungchun Jiang, Shailaja Kasibhatla, Jared Daniel Kuemmerle, Nilantha Sudath Sirisoma and Han-Zhong Zhang, the undersigned inventor(s) hereby sell(s) and assign(s) to Cytovia, Inc. (the Assignee) their entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

check applicable box(es)

- ☒ for the United States of America (as defined in 35 U.S.C. § 100),
- ☒ and throughout the world,

(a) in the invention(s) known as Substituted 1-Benzoyl-3-cyanopyrrolo[1,2-a]quinolines and Analogs as Activators of Caspases and Inducers of Apoptosis for which application(s) for patent in the United States of America has (have) been executed by the undersigned on 12/8/03, 12/8/03, 12/9/03, 12/3/03, 12/3/03, 12/9/03 and 12/8/03, respectively

RUS
Reg. No. 32,893

(also known as United States Application No. (To be assigned), filed (herewith)), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing (continuation, divisional, or continuation-in-part) applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any


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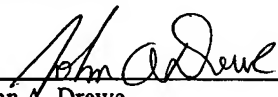
continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.


The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

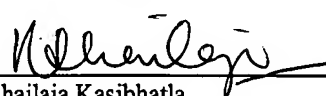
The undersigned inventor(s) hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; Linda E. Alcorn, Esquire, Registration No. 39,588; Lawrence B. Bugaisky, Esquire, Registration No. 35,086; Donald J. Featherstone, Esquire, Registration No. 33,876; Robert C. Millonig, Esquire, Registration No. 34,395; Michael V. Messinger, Esq., Registration No. 37,575; Judith U. Kim, Esq., Registration No. 40,679; Timothy J. Shea, Jr., Esq., Registration No. 41,306; and Patrick E. Garrett, Esq., Registration No. 39,987; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.


IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

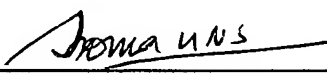
Date: 12/8/03 Signature of Inventor: 
Sul Xiong Cai

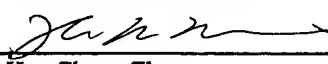
Date: 12/8/03 Signature of Inventor: 
John A. Drewe

Date: 12/9/03 Signature of Inventor: 
Sungchun Jiang

Date: 12/3/03 Signature of Inventor: 
Shailaja Kasibhatla

Date: 12/3/2003 Signature of Inventor: 
Jared Daniel Kuemmerle

Date: 12/09/2003 Signature of Inventor: 
Nilantha Sudath Sirisoma

Date: 12/8/2003 Signature of Inventor: 
Han-Zhong Zhang

(Atty. Dkt. 1735.0810001/RWE)